UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,669	08/01/2005	Steve Chang Chiayee	ST02001USU (159-US-U1)	6803

	7590	08/07/2007

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EXAMINER
TO, TUAN C

ART UNIT	PAPER NUMBER
3663	

MAIL DATE	DELIVERY MODE
08/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 July 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-26</u> is/are pending in the application.

　　4a) Of the above claim(s) <u>7-13,18-24 and 26</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-6, 14-17, and 25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>31 January 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of 1-6, 14-17, and 25 in the reply filed on 07/2/2007 is acknowledged. The traversal is on the ground(s) that the restriction requirement is not proper because, according to the applicant, the application meets the unity of invention of PCT Rule 13. The applicant further argues that there is no burden on the examiner.

This is not found persuasive because the following:

The inventions listed as group I, and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the reasons of the apparatus as claimed does not carry the process as claimed. For instant, the apparatus as claimed in claim 24 does not carry the process as claimed in claim 1.

The examiner has to do various class/subclass searches due to more than one inventions and more than one species were claimed during the prosecution of this application if the restriction is not required. Therefore, there is a serious burden on the examiner when examining all claims.

The requirement is still deemed proper and is therefore made FINAL.

An action on claims 1-6, 14-17, and 25 follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-6, 14-17, and 25 are rejected under 35 U.S.C. 102 (e) as being

anticipated by Garin et al. (US 6542823B2).

Regarding claims 1 and 25, Garin et al. teaches a method for processing, within

a mobile device, protocol aiding data received at a call processor with a Global

Positioning System ("GPS") interface, where the protocol aiding data is produced

according to a Geolocation Server Station protocol (6542823, column 5, lines 4-21, the

handset 104 comprises a call processor CP 200 for performing call processing to

receive data from a geo-location server (108)), the method comprising: receiving, at the

GPS interface, the protocol aiding data received at the call processor ('823, figure 2,

GPS section 202 receives the data from the geo-location server via the base station

106), converting the received protocol aiding data to interface data that is transparent to

the Geolocation Server Station protocol; and passing the interface data to a GPS

module ('823, figure 2, the serial communication lines 204 is used to convert the

received data from geo-location and passes it to the CP section 200).

As to claim 2, Garin teaches the act of packing the interface data into a message format before passing the interface data to the GPS module (abstract).

As to claim 3, Garin teaches that the call processor (200) receives the data from the base station (106) (figure 1 and 2).

As to claim 4, Garin discloses that the geo-location server station (108) (figure 1) produces the aiding data (column 4, lines 40-42).

As to claim 5, Garin teaches that the geo-location server utilizes a CDMA protocol to produce the protocol aiding data (see column 11, lines 3-10).

As to claim 6, Garin does not specifically teaches the protocol is IS-801, however, such feature is inherently included because Garin teaches the wireless network system, CDMA, which is synchronized on absolute GPS. A protocol IS-801 can be inherently include to enable the network-assisted GPS via messaging over the CDMA wireless link.

As to claims 14-16, Garin teaches that the wireless handset (104) comprises a GPS receiver that acquires the wireless signal (data) from the GPS satellites (102) (figure 1), and that the GPS signals received from the satellites are used to calculate the location of the wireless handset (104) (column 4, lines 46-49).

As to claim 17, Garin teaches that passing the interface data to a GPS module includes passing the interface data via a RS232 link (see figure 3, RS 232).
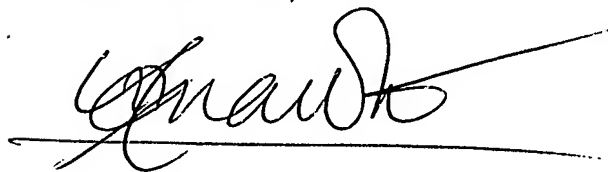
Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner,

Tuan C To

August 3, 2007